



California Regulatory Notice Register

REGISTER 2009, NO. 21-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MAY 22, 2009

PROPOSED ACTION ON REGULATIONS

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Transitional Housing Unit — Notice File No. Z2009-0508-01 763

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

Private Barbering and Cosmetology Schools — Notice File No. Z2009-0507-01 765

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

Continuing Education — Notice File No. Z2009-0512-06 766

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

Chiropractic Specialties — Notice File No. Z2009-0512-07 768

TITLE 16. CEMETERY AND FUNERAL BUREAU

Reestablishment of Cremation and Inurnment Fee — Notice File No. Z2009-0511-04 770

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

Medical and Ethical Standards (MES) Amendments; Stem Cell Research Oversight (SCRO)

Committee Review and Special Considerations for California Institute for Regenerative

Medicine (CIRM)—Funded Derivation — Notice File No. Z2009-0511-02 771

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Consistency Determination Request for Berry Petroleum North Midway Sunset

Development Project, Kern County 774

DEPARTMENT OF FISH AND GAME

Consistency Determination for Palermo-Colgate-Rio Oso Transmission Line Reconductoring 774

DEPARTMENT OF FISH AND GAME

Proposed Research on Fully-Protected Species—Monitoring and Research of California Rails 776

(Continued on next page)

***Time-
Dated
Material***

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Announcement of Public Comment Period for California Human Health Screening Level for Lead</i>	777
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Public Health Goals for Chlorite in Drinking Water</i>	778
ACCEPTANCE OF PETITION TO REVIEW ALLEGED	
UNDERGROUND REGULATION	
DEPARTMENT OF CORRECTIONS AND REHABILITATION	
<i>Regarding Petition of Phillip Craigie challenging the Department of Corrections and Rehabilitation</i>	778
SUMMARY OF REGULATORY ACTIONS	
Regulations filed with the Secretary of State	779
Sections Filed, December 10, 2008 to May 13, 2009	781

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

NOTICE OF PROPOSED REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend sections 3000 and 3378.1, and to adopt section 3378.3 in the California Code of Regulations (CCR), Title 15, Division 3, concerning Transitional Housing Units for inmates who have chosen to disassociate themselves from gang activity and desire to complete the debriefing process.

PUBLIC HEARING

Date and Time: **July 8, 2009 — 9:00 a.m. to 10:00 a.m.**

Place: Office of Training & Professional
Development
Mt. Lassen Conference Room
10000 Goethe Road
Sacramento, CA 95827

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **July 8, 2009, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy

Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 255-5500**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**John McClure
Regulation and Policy Management Branch
Telephone (916) 255-5500**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Dee Long
High Security and Transitional Housing Unit
Telephone (916) 445-6223**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

**ASSESSMENTS OF EFFECTS ON JOB
AND/OR BUSINESS CREATION,
ELIMINATION OR EXPANSION**

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

**AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS**

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

**AVAILABILITY OF CHANGES
TO PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- The Department recognizes that a program is needed to provide options for validated prison gang inmates who desire to disassociate from gang activity, without committing them to a maximum security housing setting.
- In the interest of fundamental fairness, and in response to inmate appeals and court mandates, the Department will establish a Transitional Housing Unit (THU) program at a designated prison to provide these affected inmates a means to

complete the debriefing process necessary to disassociate themselves from a prison gang.

- The THU program is designed to provide a step-down process to reintegrate inmates back into the general population who have served lengthy maximum facility terms because of validated gang affiliation, and to evaluate if the inmates have disassociated themselves from prison gang activity.

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as the "Board") is proposing to take action as described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held at the following date, time and location:

**July 7, 2009
10:00 a.m.**

Department of Consumer Affairs
1st Floor, Hearing Room
1625 North Market Boulevard
Sacramento, California 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 7, 2009 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Sections 7312 and 7362 of the Business and Professions Code, and to im-

plement, interpret or make specific Sections 480, 7313(b), 7319.5, 7347, 7362.1, 7362.2, 7362.3, 7403 and 7404 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 941. Adopt 941.1 through 941.8.

Currently, under Section 7362 of the Business and Professions Code, each barbering and cosmetology school must provide a course of instruction approved by the Board and be licensed by the state's Bureau of Private Postsecondary Vocational Education (BPPVE). The regulations proposed in this rulemaking clarify the Board's authority as it pertains to the approval of private barbering and cosmetology schools once licensed by BPPVE, now that BPPVE no longer exists. On July 1, 2007, BPPVE closed after legislation necessary to reauthorize it failed, and legislation that gave the Board the authority to approve schools that voluntarily agreed to observe regulations in effect before BPPVE's closing expired January 1, 2009. The sunseting of BPPVE makes it necessary for the Board to create regulations to provide a uniform set of rules for all private beauty schools and, most importantly, to protect the interests of California students.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessari-

ly incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has made an initial determination that the proposed regulations would have no appreciable effect on small businesses that are subject to Board approval under the Act. The reason is that the schools already have this information readily available and were routinely providing it to BPPVE until that agency closed.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no alternative it considers or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Road, Suite 100, Sacramento, CA 95834. It may also be viewed on the Board's Web site at <http://www.barbercosmo.ca.gov> under "proposed regulations."

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kevin Flanagan
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone No.: (916) 575-7104
Fax No.: (916) 575-7281
E-Mail Address: kevin_flanagan@dca.ca.gov

The backup contact person is:

Name: Betty Ho
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone No.: (916) 575-7102
Fax No.: (916) 575-7281
E-Mail Address: betty_ho@dca.ca.gov

WEB SITE ACCESS

Materials regarding this proposal can be found at www.barbercosmo.ca.gov.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter "board") is proposing to amend regulations described in the Informative Digest below. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held:

Victims of Crime Board
Hearing Room, 1st Floor
400 R Street
Sacramento, CA 95814

Date: July 6, 2009
Time: 12 p.m.-3 p.m.

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received in the board's office no later than 5:00 p.m. on, July 6, 2009, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will

be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1000–4(b) and 1000–10 of the Business and Professions Code; and the Chiropractic Initiative Act of California Stats. 1923. 1xxxviii., and to implement, interpret or make specific Sections 1000–4(b), and 1000–10, of said Code; the board is considering changes to Title 16, Division 4, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend sections 355, 355.1, 356, 356.5, 357, 358, 360, and repeal section 355.2.

The Chiropractic Initiative Act Section 1000–4(b) authorizes the board to adopt as they may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.

The purpose of the proposed changes is to clarify continuing education (CE) course requirements for licensees and course providers, establish appropriate application fees, and include the appeal process in regulations.

This proposal provides clarification of the annual renewal requirements. The amendments further define the license status of active, inactive, forfeiture, cancellation, and the requirements to restore a license to active status.

The board has also revised the current applications for clarity, and they have been incorporated by reference.

This proposal will increase the current annual CE requirements from twelve (12) hours to twenty-four (24) hours, and establishes a three-category system specifying minimum required CE hours in each category. This proposal will allow licensees to earn CE credit towards their renewal by attending a full board meeting, attending courses that are approved by the California Department of Industrial Relations, Division of Workers Compensation and any Healing Arts or Bureau within Division 2 of the Business and Professions Code, and on-line courses.

Proposed amendments clarify the application process for CE courses and providers, and the requirements and responsibilities of providers; and include the appeal process for applicants that are denied.

Proposed amendments revise the exemption and reduction of CE requirements to include licensees who

teach a board approved CE course, licensees who participate as an examiner for the part four portion of the National Board of Chiropractic Examiners, licensees who author published articles related to the chiropractic profession, and a licensee that attends a full board meeting.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The board will experience an increase in revenue due to the increase of CE requirements and application fees.

Non-discretionary Costs/Savings to Local Agencies:
None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact:

The board initially determined that the proposed regulation would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impact on Representative Private Person or Business:

Businesses offering CE courses will incur additional fees associated with the application process; however, these businesses will have the ability to offer a wide variety of courses.

Licensees will experience additional costs associated with the increase of CE requirements.

Effect on Housing Costs: None

Effect on Small Business:

The board has determined that this regulatory proposal will have an effect on small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative that it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearings.

**INITIAL STATEMENT OF
REASONS AND INFORMATION**

The board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from

April Alameda, Program Analyst
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
(916) 263-5329
Fax (916) 263-5369
aalameda@chiro.ca.gov

**AVAILABILITY AND LOCATION OF
THE FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site, www.chiro.ca.gov.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: April Alameda, Program Analyst
Address: 2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
Telephone: (916) 263-5329
Fax: (916) 263-5369
E-mail: aalameda@chiro.ca.gov

Back-up Contact person:

Name: Brian Stiger, Executive Officer
Address: 2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
Telephone: (916) 263-5355
Fax: (916) 263-5369
E-mail: chiro.info@chiro.ca.gov

Web Site Address: Materials regarding this proposal can be found at www.chiro.ca.gov.

**TITLE 16. BOARD OF CHIROPRACTIC
EXAMINERS**

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter "board") is proposing to amend regulations described in the Informative Digest below. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held:

Victims of Crime Board
Hearing Room, 1st Floor
400 R Street
Sacramento, CA 95814

Date: July 6, 2009
Time: 9 a.m. – 11 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received in the board's office no later than 5:00 p.m. on July 7, 2009, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1000-4(b) and 1000-10, and 651(i) of the Business and Professions Code; and the Chiropractic Initiative Act of California Stats. 1923. 1xxxviii., Division of Workers' Compensation, Title 8. California Code of Regulations, and to implement, interpret or make specific Sections 1000-4(b), and 1000-10, of said Code; the board is considering changes to Title 16, Division 4, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Add Section 311.1:

The Chiropractic Initiative Act Section 1000–4(b) authorizes the board to adopt as they may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.

The Division of Industrial Relations, Division of Workers' Compensation recently adopted regulations regarding Qualified Medical Evaluators (QME) that only recognize chiropractic specialties if recognized by the board. The effective date of these regulations was February 17, 2009. This regulatory proposal is necessary to formally recognize chiropractic specialties. Recognizing chiropractic specialties provides additional choices to injured workers and enhances consumer protection.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact:

The board initially determined that the proposed regulation would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

Effect on Small Business:

The board has determined that this regulatory proposal will not have an effect on small businesses/licensees

who fail to comply with the board's laws and regulations.

This proposal formally recognizes chiropractic specialties to enhance consumer protection and will not result in additional costs to small businesses/licensees.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative that it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearings.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from

April Alameda, Program Analyst
2525 Atoms Park Drive, Suite 260
Sacramento, California 95833
(916) 263–5329
Fax (916) 263–5369
aalameda@chiro.ca.gov

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site, www.chiro.ca.gov.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: April Alameda, Program Analyst
 Address: 2525 Natomas Park Drive, Suite 260
 Sacramento, California 95833
 Telephone: (916) 263-5329
 Fax: (916) 263-5369
 E-mail: aalameda@chiro.ca.gov

Back-up Contact person:

Name: Brian Stiger, Executive Officer
 Address: 2525 Natomas Park Drive, Suite 260
 Sacramento, California 95833
 Telephone: (916) 263-5355
 Fax: (916) 263-5369
 E-mail: chiro.info@chiro.ca.gov

Web Site Address: Materials regarding this proposal can be found at www.chiro.ca.gov.

TITLE 16. CEMETERY AND FUNERAL BUREAU

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau of the Department of Consumer Affairs (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

Date: July 14, 2009
Time: 10:00 a.m.
Department of Consumer Affairs
Main Hearing Room S102
1625 North Market Blvd.
Sacramento, California 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Cemetery and Funeral Bureau office located at 1625 North Market Blvd. S-208, Sacramento, CA 95834 not later than 5:00 p.m. on July 13, 2009, or must be received by the Bureau at the hearing. The Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral

testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 9630 and 9765 of the Business and Professions Code, and to implement, interpret or make specific Sections 9765 and 9786 of said Code, the Cemetery and Funeral Bureau is considering changes to Division 23 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 2310.

Business and Professions Code section 9786 authorizes the Bureau to charge an annual regulatory fee of \$400 for each crematory. In addition to an annual regulatory charge for each crematory, every licensee operating a crematory pursuant to a license issued shall pay an additional charge of \$8.50 per cremation made during the preceding quarter. SB 1952 (Chapter 825, Figueroa, Stats. of 2002) authorized the Bureau to continue to assess the \$8.50 cremation and inurnment fee until December 31, 2007. AB 2946 (Chapter 504, Hayashi, Stats. of 2008), effective January 1, 2009, restored the Bureau's authority to collect this fee. This proposal would re-establish this fee.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Bureau has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable com-

pliance with the proposed action and that are known to occur are minimal (\$17.00 for a family of two).

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not affect small businesses. This fee is paid by the consumer when making arrangements for burial, entombment, inurnment, or cremation.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Cemetery and Funeral Bureau at 1625 North Market Blvd., Suite S-208, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below [or by accessing the website listed below].

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Richard Wallinder
Address: 1625 North Market Blvd.,
Suite S-208
Sacramento, CA 95834
Telephone No.: (916) 574-7870
Fax No.: (916) 928-7988
E-Mail Address: rick_wallinder@dca.ca.gov

The backup contact person is:

Name: Lucy Hopkins
Address: 1625 North Market Blvd.,
Suite S-208
Sacramento, CA 95834
Telephone No.: (916) 574-7870
Fax No.: (916) 928-7988
E-Mail Address: lucy_hopkins@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.cfb.ca.gov.

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

NOTICE OF PROPOSED REGULATION AMENDMENTS

Date: May 22, 2009

Deadline for Submission of Written Comment: July 6, 2009 — 5:00 p.m.

Hearing Date: None scheduled.

Subject Matter of Proposed Regulations: SCRO Committee Review and Special Considerations for CIRM-Funded Derivation

Sections Affected

The proposed action amends sections 100070 and 100090 of Title 17 of the California Code of Regulations.

Authority: Article XXXV of the California Constitution and sections 125290.35, subdivisions (a), (b)(1), (2), (3), (4), (5) and (6); and 125290.40, subdivision (j), Health and Safety Code.

Reference: Sections 125290.35, 125290.40, 125290.55, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in early 2005

with the passage of Proposition 71, the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, and called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities.

The Independent Citizens Oversight Committee (“ICOC”) is the 29-member governing board for the Institute. ICOC members are public officials, appointed on the basis of their experience earned in California’s leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The Scientific and Medical Accountability Standards Working Group (“Standards Working Group” or “SWG”) makes recommendations to the ICOC on scientific, medical and ethical standards pertaining to stem cell research the Institute funds. Specifically, California Health and Safety Code section 125290.55 requires the Standards Working Group to: 1) recommend to the ICOC scientific, medical and ethical standards; 2) recommend to the ICOC standards for all medical, socioeconomic, and financial aspects of clinical trials and therapy delivery to patients, including, among others, standards for safe and ethical procedures for obtaining materials and cells for research and clinical efforts for the appropriate treatment of human subjects in medical research consistent with paragraph (2) of subdivision (b) of Section 125290.35, and to ensure compliance with patient privacy laws; 3) recommend to the ICOC modification of the standards described in numbers (1) and (2) as needed; 4) make recommendations to the ICOC on the oversight of funded research to ensure compliance with the standards described in numbers (1) and (2); and, 5) advise the ICOC, the Scientific and Medical Research Funding Working Group, and the Scientific and Medical Research Facilities Working Group on an on-going basis on relevant ethical and regulatory issues.

On 12/12/08 the Standards Working Group (SWG) met to consider MES revisions to support iPS research using somatic cells and to consider final recommendations for regulations governing consent for and utilization of embryos for CIRM-funded research. It was the sense of the SWG that the ICOC should consider the following new revisions:

- } Clarify that the oversight (SCRO) committee requires notification for in vitro iPS research;
- } Revise the standard for use of somatic cells in iPS experiments to allow somatic cells obtained under IRB-approved consent protocols.

It was the sense of the SWG that the ICOC should consider the making permanent the existing interim regulations. These regulations

- } Authorize the use of IVF-embryos (created prior to August 2008) for which a gamete donor was paid;
- } Authorize the use of embryos donated for research, where consent was obtained prior to enactment of the CIRM regulations, provided the consent conformed to the prevailing standard at time of donation.

Technical, Theoretical or Empirical Studies, Reports or Documents:

A. Documents or Laws:

None.

B. Public Input:

Discussion and public input received at two public meetings conducted by the Standards Working Group on December 12, 2008, and the ICOC on January 20, 2009.

Copies of the documents referenced above are available at the internet link indicated or at the offices of CIRM located at 210 King Street, San Francisco, California, 94107. Transcripts and meeting minutes of the meetings referenced in Section “B” are available on CIRM’s website, www.cirm.ca.gov under the “Meetings Transcripts” and “Meetings Minutes” links.

Submittal of Comments

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on July 6, 2009. Comments regarding this proposed action may also be transmitted via e-mail to mescomments@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person’s representative requests a public hearing, he or she must do so in writing no later than June 22, 2009.

Effect on Small Business

CIRM has determined that the proposed regulatory action has no impact on small businesses. The proposed amendments implement conditions on awarding grants for stem cell research. This research is conducted almost exclusively by large public and private non-profit institutions, as well as large for-profit institutions. As such, the regulation is not expected to adversely impact small business as defined in Government Code section 11342.610.

Impact on Local Agencies or School Districts

CIRM has determined that the proposed regulatory action does not impose a mandate on local agencies or

school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

Costs or Savings to State Agencies

CIRM has determined that no savings or increased costs to any agency will result from the proposed regulatory action.

Effect on Federal Funding to the State

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed regulatory action.

Effect on Housing Costs

CIRM has made an initial determination that the proposed action will have no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses

CIRM has made an initial determination that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses

CIRM has made an initial determination that the regulatory action will not have a significant cost impact on representative private persons or businesses. The CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on the Creation, Elimination, or Expansion of Jobs

CIRM has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Consideration of Alternatives

CIRM must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

Availability of Statement of Reasons and Text of Proposed Regulations

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

Availability of Changed or Modified Text

After the close of the comment period, CIRM may make the proposed regulation permanent if it remains substantially the same as described in the Policy Statement Overview. If CIRM does make changes to the proposed amendments to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

Agency Contact

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

C. Scott Tocher, Counsel
California Institute for Regenerative Medicine
210 King Street
San Francisco, CA 94107
(415) 396-9100

Questions on the substance of the proposed regulatory action may be directed to:

Geoff Lomax, Senior Officer for Medical
and Ethical Standards
California Institute for Regenerative Medicine
(415) 396-9134

The Notice of Proposed Regulatory Adoption, the Initial Statement of Reasons and any attachments, and the proposed text of the regulations are also available on CIRM’s website, www.cirm.ca.gov.

Availability of Final Statement of Reasons

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a), may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on CIRM’s webpage and accessed at www.cirm.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice**

For Publication May 22, 2009
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Berry Petroleum North Midway
Sunset Development Project
Kern County
2080-2009-004-04

The Department of Fish and Game (Department) received a notice on May 7, 2009 that the Berry Petroleum Company proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the drilling of 900 new oil wells and the maintenance and operation of these wells, including the construction of new facilities, power lines and roads, near the towns of McKittrick and Derby Acres in western Kern County, CA (Project). Project activities will result in impacts to 575 acres of habitat suitable for the San Joaquin kit fox (*Vulpes macrotis mutica*) and the San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), and in impacts to 10 acres of habitat suitable for the blunt-nosed leopard lizard (*Gambelia silus*) and the giant kangaroo rat (*Dipodomys ingens*).

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1-1-06-F-0144)(BO) and incidental take statement (ITS) to the Bureau of Land Management (Bureau) on August 14, 2006 which considered the effects of the Project on the Federally endangered and State threatened San Joaquin kit fox, the State endangered and Federally endangered blunt-nosed leopard lizard, and the State endangered and Federally endangered giant kangaroo rat. Pursuant to California Fish and Game Code Section 2080.1, the Berry Petroleum Company is requesting a determination that the BO and ITS, are consistent with CESA for the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the Berry Petroleum Company will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

Tracking Number 2080-2009-002-02

PROJECT: Palermo-Colgate-Rio Oso Transmission
Line Reconductoring Project
LOCATION: Butte, Yuba and Sutter Counties
NOTIFIER: Pacific Gas and Electric Company
(PG&E)

BACKGROUND

Pacific Gas and Electric Company (PG&E) proposes to upgrade 55 miles of existing 230 KV transmission facilities. The Palermo-Colgate-Rio Oso Transmission Line Reconductoring Project (Project) includes the Palermo-Rio Oso Line and the Colgate Loop facilities. The Palermo-Rio Oso Line consists of 38 miles of 1.113 aluminum conductor supported by 245 steel lattice towers from the Palermo Junction in Butte County to the Rio Oso Substation in Sutter County. The Colgate Loop consists of 16 miles of line supported by 72 steel lattice towers from the Colgate Powerhouse on the Yuba River to the Palermo-Rio Oso Line in Yuba County. The Project involves raising 81 towers, installing up to 62 temporary wooden poles as guard structures, installing travelers and insulators on all towers, and installing and tensioning the new transmission lines.

PG&E will use helicopters to erect 79 of the towers, delivering travelers and insulators, delivering crew and equipment in sensitive areas, and for some of the tensioning work. Ground-disturbing activities include accessing all towers and worksites needing on site equipment; creating one new temporary access road (777 feet long and 12 feet wide); installing guard structures (including use of an auger on a line truck); using two cranes and ground crews on two of the sites; and establishing lay-down areas, helicopter landing areas, and pull sites.

Three of the proposed work activities have the potential to affect giant garter snake (*Thamnophis couchi gigas*)(hereafter, GGS) where activities would take place within 200 feet of suitable permanent water habitat. These work activities include installing guard structures, accessing towers and worksites, and using work sites for pulling conductor. GGS is listed as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). The presence of GGS has been documented about four miles from the

southern portion of the Project area and there is suitable GGS habitat within and adjacent to the Project area, including drainages, canals and rice cropland.

Construction of the Project will result in the temporary loss of 0.306 acre of aquatic GGS habitat, 4.660 acres of rice GGS habitat, and 8.973 acres of upland GGS habitat, totaling 13.939 acres of GGS habitat loss between May 1 and October 1. Because of the proximity of the nearest documented GGS, dispersal patterns of GGS, and the presence of suitable GGS habitat within the Project area, the U.S. Fish and Wildlife Service (Service) determined GGS is reasonably certain to occur within the Project area and could be incidentally taken as a result of Project activities.

Because of the Project's potential for incidental take of GGS, the U.S. Army Corps of Engineers (Corps) consulted with the Service as required by ESA. On March 31, 2009, the Service issued a letter (Service file No. 81420-2008-F-1799-1) to the Corps (hereafter, the Append Letter), appending the Project to the Service's 1997 *Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California* (Service file No 1-1-F-97-149) (Programmatic BO). The Append Letter describes Project actions and requires PG&E to comply with terms of the Programmatic BO and its incidental take statement and incorporates additional measures, including the requirement that PG&E implement and adhere to all measures described in the March 2009 *Biological Assessment for the PG&E Palermo-Colgate-Rio Oso 230 kV Transmission Line Project* (BA).

Because GGS is also listed as a threatened species pursuant to CESA, on April 7, 2009, Garcia and Associates, Inc., on behalf of PG&E, notified the Director of the Department of Fish and Game (DFG) that PG&E was requesting a determination, pursuant to Fish and Game Code section 2080.1, that the Append Letter, now a part of the Programmatic BO and its related incidental take statement (ITS) is consistent with CESA for purposes of the Project.

DETERMINATION

DFG has determined that the Programmatic BO, including the ITS and Append letter, is consistent with CESA as to the Project because the mitigation measures contained in the Programmatic BO, Append Letter, and ITS, as well as the conditions in the Project BA, meet the conditions set forth in Fish and Game Code section

2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that take of GGS will be incidental to an otherwise lawful activity, the mitigation measures identified in the Programmatic BO, Append Letter, ITS, and will minimize and fully mitigate the impacts of the authorized take, and construction of the Project will not jeopardize the continued existence of GGS. The mitigation measures in the Programmatic BO, Append Letter, ITS, and BA include, but are not limited to, the following:

Take Avoidance Measures

- PG&E shall limit site disturbance for construction and access and implement specific protections for sensitive areas containing potentially suitable habitat for GGS. Measures limiting site disturbance include installing protective fencing for sites immediately adjacent to construction activities and using flagging to identify avoidance areas along access roads.
- PG&E shall develop and implement a spill control and response plan for potentially hazardous materials, including fuels, solvents and grease;
- PG&E shall train construction crews on GGS issues and protocols for addressing GGS that are found within the construction sites during construction;
- PG&E shall provide a qualified biological monitor during the construction activities;

Minimization, Mitigation, and Monitoring Measures

- PG&E shall provide mitigation for temporary impacts in accordance with the requirements in the Programmatic BO for Level 1 mitigation by restoring 13.939 acres of habitat for GGS to pre-Project conditions within the same season, or at least within the same calendar year.
- PG&E shall only conduct construction during the GGS active season (May 1–October 1). If it appears that construction activity might go beyond October 1, PG&E shall contact the Service as soon as possible, but not later than July 15, to determine if additional measures are necessary to minimize take.
- If GGS are encountered during construction or preconstruction surveys, activities will cease until appropriate corrective measures have been completed or it has been determined that GGS will not be harmed. PG&E will immediately report any sightings or incidental take to DFG by telephone at (916) 358–2900 and to the Service by telephone at (916) 414–6600.

- Following construction, PG&E shall return each site to pre-Project conditions, remove all construction debris (including protective fencing, barriers, flagging, and construction mats), and reseed each site with an approved erosion control seed mix as needed as prescribed in a Service and DFG-approved Stormwater Pollution Prevention Plan (SWPPP).

Financial Assurances

- PG&E shall provide, subject to review and approval by DFG, a cost estimate associated with the SWPPP for implementation of the restoration measures that will return areas of GGS habitat to pre-Project conditions.
- Upon approval of the cost estimate and prior to the initiation of Project activities, PG&E shall provide a financial commitment (i.e., letter of credit, letter of security) in a form approved by DFG, to DFG to ensure performance of these measures.

Notification and Reporting

- Post construction monitoring reports shall be provided to DFG and the Service for restoration of GGS habitat as specified for Level 1 impacts as required by the Programmatic BO. The reports shall include photo documentation of all GGS habitat pre- and post- construction
- The SWPPP requires temporary and permanent stabilization best management practices (BMPs) after active construction is completed. Inspection activities shall continue until adequate permanent stabilization has been established and shall continue in areas where revegetation is chosen until minimum vegetative coverage has been established. Although not a condition of the Programmatic BO, DFG requests a copy of the inspection report. The report shall include dates construction occurred and the success of revegetation and restoration.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of GGS for the Project, provided PG&E implements the Project as described in the Append Letter, including adherence to all measures contained in the BA, and complies with the mitigation measures and other conditions described in the Programmatic BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Append Letter, the Programmatic BO including its ITS, or BA, PG&E will be required to obtain a new consistency determination or a CESA incidental take permit from DFG. This determination is limited to consistency of the Programmatic BO as applied specifically to the

Project, and does not cover other activities that might be appended to the Programmatic BO in the future. Separate determination(s) or take authorization(s) must be obtained for future activities that may result in take of CESA-listed species.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice
For Publication May 22, 2009
PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES

Monitoring and research of California clapper rail, light-footed clapper rail, Yuma clapper rail, and California black rail

The Department of Fish and Game ("Department") received a proposal on May 6, 2009 from Mr. Bill Stagnaro, of San Francisco, requesting authorization to take California clapper rail (*Rallus longirostris obsoletus*), Light-footed clapper rail (*R. l. levipes*), Yuma clapper rail (*R. l. yumanensis*) (clapper rails), and California black rail (*Laterallus jamaicensis coturniculus*), which are Fully Protected birds, for research purposes, consistent with the protection and recovery of the species. The applicant is required to have a Scientific Collecting Permit (SCP) to take a protected species of bird. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

Mr. Stagnaro is planning to conduct call payback surveys while performing presence/absence surveys throughout the range of each species. No adverse effects on individuals or populations are expected.

Alteration and isolation of habitats resulting from urbanization is the principal reason for the decline of these rails. Effective management efforts and species recovery requires a thorough understanding of the distribution of these species. Tasks listed in the federal Salt Marsh Harvest Mouse and California Clapper Rail Recovery Plan (1984) may benefit from the issuance of this permit, as this research may help to: determine the causes of clapper rail population fluctuations; evaluate the effects of pollutants, sedimentation, and freshwater fluctuations on invertebrate prey of clapper rails; identify and resolve management conflicts for California clapper rail populations in Suisun Marsh; determine habitat preferences California clapper rail in tidal marshes; determine habitat preferences of the California clapper rail in non-tidal diked marshes; and determine the effects of flood and mosquito control on the California clapper rail.

In addition, the 1983 Yuma Clapper Rail Recovery Plan tasks that may benefit from this research include: local population surveys, determination of breeding and other habitat needs, and determination of Yuma clapper rail movement patterns.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant, as the Principal Investigator, to carry out the proposed activities. As the clapper rails are also federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit. The applicant has obtained federal permit number TE-170381.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after June 22, 2009, for a term of two to three years. The Department may extend the term of the permit. Contact: Esther Burkett, eburkett@dfg.ca.gov, 916-445-3764.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Notice to Interested Parties
May 12, 2009

Announcement of a Public Comment Period

Public comments on the California Human Health Screening Level for Lead

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is making available for review and comment a draft report: "California Human Health Screening Level for Lead"

Health and Safety Code Section 57008 (The California Land Environmental Restoration and Reuse Act; SB32, Escutia, Chapter 764, Statutes of 2001), requires the California Environmental Protection Agency (Cal/

EPA), "in cooperation with the Department of Toxic Substances Control, the State Water Resources Control Board, and the Office of Environmental Health Hazard Assessment," to publish a list of screening numbers for specific contaminants. A "screening number" is defined in HSC 57008 as "the concentration of a contaminant published by the agency as an advisory number." They are "for the protection of public health and safety." They are published solely as reference values that may be used by citizen groups, community organizations, property owners, developers, and local government officials to estimate the degree of effort that may be necessary to remediate a contaminated property. They are solely advisory numbers, and have no regulatory effect. They cannot be used to require an agency to determine that no further action is required or a substitute for the cleanup level that is required to be achieved for a contaminant on a contaminated property. In addition, these screening numbers should not be used to infer actual health risk of a site. They are based on general assumptions and, therefore, useful to get a general understanding of potential problems with a site, but cannot be used to assess the actual health risks. Actual health risks can be better estimated with a site-specific health risk assessment based on OEHHA, Cal/EPA or U.S. EPA guidelines.

The current screening numbers for lead are 150 mg/kg soil for residential use and 3500 mg/kg soil for commercial/industrial use. They are based on a blood lead "level of concern" of 10 micrograms per deciliter ($\mu\text{g}/\text{dL}$). OEHHA has replaced the "level of concern" of 10 $\mu\text{g}/\text{dL}$ by a source-specific "benchmark change" of 1 $\mu\text{g}/\text{dL}$. Therefore, OEHHA is proposing new residential and commercial/industrial CHSSLs consistent with the newly established benchmark.

The document can be downloaded from our world-wide web site at www.OEHHA.CA.gov, or obtained from the address below. This public comment period follows the requirements set forth in Health and Safety Code Section 57003 for receiving public input. OEHHA requests comments on this draft report be delivered to OEHHA by 5:00 p.m. June 30, 2009. Comments received by that date will be considered in revision of the document. If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below. Written requests or comments should be addressed to:

Mr. Leon Surgeon
Office of Environmental Health Hazard Assessment
1001 I Street (P.O. Box 4010)
Sacramento, California 95812-4010
FAX: (916) 322-9705
E-mail: IRAB@oehha.ca.gov

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**California Environmental Protection Agency
Notice to Interested Parties**

May 22, 2009

**ANNOUNCEMENT OF PUBLICATION OF THE
FINAL PUBLIC
HEALTH GOAL FOR CHLORITE
IN DRINKING WATER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency announces the availability of the final technical support documents for the Public Health Goal (PHG) for chlorite in drinking water. The first draft of the chlorite document was posted on the OEHHA Web site (www.oehha.ca.gov) on June 22, 2007 and a one-day public workshop was held on July 17, 2007. OEHHA followed the requirements set forth in Health and Safety Code sections 57003(a) and 116365 for conducting the workshop and obtaining public input. After addressing the comments received, a second draft of the PHG document was posted on the OEHHA Web site on July 4, 2008 for a 30-day public review and scientific comment period. Additional comments were received on the revised draft. OEHHA has now finalized the PHG document after further revisions and is posting the final version and our responses to the major comments on the OEHHA Web site (www.oehha.ca.gov/water/phg/index.html).

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).³

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Michael Baes (mbaes@oehha.ca.gov)
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1515 Clay St., 16th floor
Oakland, California 94612
Attention: PHG Project

**ACCEPTANCE OF PETITION
TO REVIEW ALLEGED
UNDERGROUND REGULATION**

OFFICE OF ADMINISTRATIVE LAW

**ACCEPTANCE OF PETITION TO REVIEW
ALLEGED UNDERGROUND REGULATIONS**

**(Pursuant to title 1, section 270, of the
California Code of Regulations)**

**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**

The Office of Administrative Law has accepted the following petition for consideration.

Summary of Petition

The Petitioner is challenging a memorandum issued by the Department of Corrections and Rehabilitation on December 15, 2008, limiting the possession of entertainment devices in Administrative Segregation Units at specified prisons.

The petition is not being reproduced here. To request a copy of the petition and attachments, please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

Agency Being Challenged

California Department of Corrections and Rehabilitation

To comment on the petition:

Please send your comments to:

Kathleen Eddy, Senior Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

¹ Codified at Health and Safety Code, section 116270 et. seq.

² Health and Safety Code section 116365(c)

³ Health and Safety Code section 116365(a) and (b)

Petitioner:

Phillip Craigie, V-00757
P.O. BOX 901
Imperial, CA 92251

Agency contact:

Timothy Lockwood, Chief of Regulations & Policy
Management Branch
Department of Corrections and Rehabilitation
P.O. BOX 942883
Sacramento, CA 94283-0001

Please note the following timelines:

Publication of Petition in Notice
Register: May 22, 2009
Deadline for Public Comments: June 22, 2009
Deadline for Agency Response: July 6, 2009
Deadline for Petitioner Rebuttal: No later than
15 days after receipt of the agency's response
Deadline for OAL Decision: September 21, 2009

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0409-02
ATHLETIC COMMISSION
Professional Boxer's Pension Plan

This rulemaking amends California Code of Regulations, Title 4 section 406 to reduce the qualifying age of retired professional boxers from 55 to 50 to receive distributions from the pension plan.

Title 4

California Code of Regulations
AMEND: 406
Filed 05/12/2009
Effective 05/12/2009
Agency Contact: Bill Douglas (916) 263-2195

File# 2009-0403-04

BOARD OF EQUALIZATION
Computers, Programs, and Data Processing

Board of Equalization amended the definition of a computer "program" in title 18, California Code of Regulations, sec. 1502(b)(10) in order to clarify and make the regulatory definition consistent with related statutory definitions in Revenue and Taxation Code section 6010.9(c) and (d).

Title 18

California Code of Regulations
AMEND: 1502
Filed 05/12/2009
Effective 06/11/2009
Agency Contact:
Richard Bennion (916) 445-2130

File# 2009-0402-01

CALIFORNIA GAMBLING CONTROL COMMISSION
Designation Pursuant to B&P Code Section 19981, Subdivision (a)

California Gambling Control Commission adopted title 4, California Code of Regulations, section 12591 to designate Commission employees who will be subject to the statutory ban on specified activities, pursuant to Bus. & Prof. Code sec. 19981(a), for three years following separation from employment with the Commission.

Title 4

California Code of Regulations
ADOPT: 12591
Filed 05/12/2009
Effective 06/11/2009
Agency Contact: James Allen (916) 263-4024

File# 2009-0330-01

COMMISSION ON TEACHER CREDENTIALING
Teacher Credentialing

This change without regulatory effect amends or repeals regulations of the Commission in response to statutory changes that changed the name of permits or made certain permits obsolete, or now require the submission of fingerprints via livescan, or removed professional growth and successful service criteria that are no longer required. Additionally, regulations past the date in their sunset provisions were deleted.

Title 5

California Code of Regulations

AMEND: 80023, 80024.4, 80024.5, 80024.6,
80025.5, 80026, 80026.1, 80026.6, 80034.5 RE-
PEAL: 80024.3, 80026.4, 80042, 80042.5, 80569

Filed 05/11/2009

Agency Contact:

Tammy A. Duggan (916) 323-5354

File# 2009-0401-02

DEPARTMENT OF CORRECTIONS AND REHABI-
LITATION

Inmate Transfers

This Certificate of Compliance rulemaking action es-
tablishes eligibility criteria, procedures, and priorities
for the out-of-state voluntary and involuntary transfer
of male prison inmates so as to address prison over-
crowding pursuant to the Governor's State of Emergen-
cy Proclamation of October 4, 2006.

Title 15

California Code of Regulations

AMEND: 3000, 3190, 3375, 3376.1, 3379

Filed 05/12/2009

Agency Contact: Kelly Medina (916) 341-7390

File# 2009-0403-01

DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT

Income Limits

This regulatory action is the annual update of income
limits for households of varying sizes. The regulation
was transmitted to OAL for filing with the Secretary of
State and publication in the California Code of Regula-
tions pursuant to Health & Safety Code section 50093.
This filing is exempt from the rulemaking requirements
of articles 5 and 6 of chapter 3.5 of the Administrative
Procedure Act, and thus, is not subject to OAL's review.
(Health & Saf. Code, sec. 50093(c).) This regulation is
effective 4/3/2009, the date the regulation was filed
with OAL. (Health & Saf. Code, sec. 50093(c).)

Title 25

California Code of Regulations

ADOPT: 6932 REPEAL: 6932

Filed 05/13/2009

Effective 04/03/2009

Agency Contact: Lenora Frazier (916) 323-4475

File# 2009-0402-06

DEPARTMENT OF PESTICIDE REGULATION

Groundwater Protection List

This action updates the list of pesticide chemicals
identified by the Director that have the potential to pol-
lute groundwater.

Title 3

California Code of Regulations

AMEND: 6800

Filed 05/13/2009

Effective 06/12/2009

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

File# 2009-0415-02

DEPARTMENT OF REAL ESTATE

Fee Regulations

This amendment by the Dept. of Real Estate adjusts
licensing and other fees to the statutory maximums to
provide the necessary resources for the Dept. of Real
Estate to continue its statutory functions.

Title 10

California Code of Regulations

AMEND: 2716.1, 2790.1.5, 2810.5

Filed 05/12/2009

Effective 05/12/2009

Agency Contact:

Daniel E. Kehew (916) 227-0791

File# 2009-0421-01

FAIR POLITICAL PRACTICES COMMISSION

Filing Requirements for Statements of Organization

This action concerns Filing Requirements for State-
ments of Organization, including information required
of types of committees and what the Secretary of State
may accept for filing.

Title 2

California Code of Regulations

ADOPT: 18410 AMEND: 18402

Filed 05/08/2009

Effective 06/07/2009

Agency Contact:

Virginia Latteri-Lopez (916) 324-3854

File# 2009-0423-02

SAN DIEGO RIVER CONSERVANCY

Conflict of Interest Code

The San Diego River Conservancy is amending their
conflict of interest code found at title 14, section 25201,
California Code of Regulations. This amendment was
approved for filing by the Fair Political Practices Com-
mission on April 13, 2009.

Title 14

California Code of Regulations

AMEND: 25201

Filed 05/07/2009

Effective 06/06/2009

Agency Contact: Hayley Peterson (615) 654-2540

File# 2009-0420-02

**STATE TEACHERS RETIREMENT SYSTEM
Board Member Elections**

The Teachers' Retirement Board has approved revisions to Title 5, sections 24002, 24003 and 24005. This regulatory action is exempt from the APA pursuant to Education Code section 22200.5, subdivision (c).

Title 5

California Code of Regulations
AMEND: 24002, 24003, 24005

Filed 05/11/2009

Effective 04/02/2009

Agency Contact: Cecilia Velez (916) 229-3579

File# 2009-0327-01

**SUPERINTENDENT OF PUBLIC INSTRUCTION
Special Education Hearing Officers**

This action implements the mandate of Education Code section 56504.5 that the Superintendent of Public Instruction shall adopt regulations that establish standards for the components of an agreement between the Department of Education and another state agency or nonprofit organization or other entity concerning the process of conducting mediations and due process hearings concerning the education of children with disabilities, and standards for the contents of a manual that will describe the procedures of the mediation and due process hearings.

Title 5

California Code of Regulations

ADOPT: 3090, 3090.1, 3091, 3092, 3093, 3094, 3095, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099

Filed 05/07/2009

Effective 06/06/2009

Agency Contact: Debra Strain (916) 319-0860

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN December 10, 2008 TO
May 13, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

01/20/09 AMEND: 260

01/20/09 AMEND: Appendix A, Std. Form 400

Title 2

05/08/09 ADOPT: 18410 AMEND: 18402

04/30/09 AMEND: 1859.129, 1859.197

04/28/09 AMEND: div. 8, ch. 111, section 59560

04/22/09 ADOPT: 1859.148.2, 1859.166.2
AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197

03/05/09 AMEND: 18704

02/17/09 AMEND: 51.3

02/02/09 AMEND: 18402, 18450.3

01/30/09 ADOPT: 18427.5

01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401

01/27/09 AMEND: 2294

01/26/09 AMEND: 1859.104.1

01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184

01/12/09 AMEND: div. 8, ch. 24, secs. 45100, 45127, 45128

01/08/09 ADOPT: 18420.1

01/08/09 ADOPT: 18944.3 AMEND: 18944.1

12/30/08 AMEND: 714

12/29/08 ADOPT: 2298

12/15/08 AMEND: 17463, 17470, 17519

Title 3

05/13/09 AMEND: 6800

05/04/09 AMEND: 3434(b)

04/27/09 AMEND: 3434(b)

04/20/09 AMEND: 6452.2

03/30/09 AMEND: 3434(b)

03/25/09 AMEND: 6860

03/23/09 AMEND: 3423(b)

03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222.1, 1222.4, 1209, 1209.1, 1245.1, 1245.2, 1245.3, 1245.4, 1260.2, 1269, 1269.1, 1269.2, 1271 AMEND: 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1208, 1222, 1223, 1223.1, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1245.1, 1245.2, 1245.3, 1245.4, 1245.5, 1245.6, 1245.7, 1245.8, 1245.9, 1245.10, 1245.11, 1245.12, 1245.13, 1245.14, 1245.15, 1245.16, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1260.1, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270 REPEAL: 1203, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1237

03/18/09 AMEND: 3435(b)

03/10/09 AMEND: 3434

03/05/09	AMEND: 3591.20(a)	80026.6, 80034.5 REPEAL: 80024.3,
03/04/09	AMEND: 3435	80026.4, 80042, 80042.5, 80569
02/27/09	AMEND: 3434(b)	05/11/09 AMEND: 24002, 24003, 24005
02/26/09	AMEND: 850	05/07/09 ADOPT: 3090, 3090.1, 3091, 3092,
02/19/09	AMEND: 3434(b)	3093, 3094, 3095, 3096, 3096.1, 3096.2,
02/13/09	AMEND: 3406(b)	3097, 3098, 3098.1, 3098.2, 3099
02/10/09	AMEND: 3060.4(a)(1)(C)(1), 3652(k)	04/30/09 ADOPT: 26000
02/05/09	AMEND: 3434(b)	03/27/09 AMEND: 3001, 3051, 3060, 3061, 3062,
02/02/09	AMEND: 3406(b)	3063, 3064, 3065, 3066, 3067, 3068,
01/21/09	ADOPT: 3591.22(a), 3591.22(b),	3069, 3070
	3591.22(c), 3591.22(d)	03/05/09 AMEND: 80225
01/21/09	ADOPT: 3591.21(a), 3591.21(b),	02/17/09 AMEND: 80413, 80487
	3591.21(c)	02/04/09 ADOPT: 9800, 9810, 9820, 9830
01/20/09	REPEAL: 3664, 3665, 3666, 3667, 3668,	01/20/09 ADOPT: 9517.1
	3669	01/05/09 AMEND: 80004
01/14/09	AMEND: 3434(b)	
01/13/09	AMEND: 3434(b)	Title 8
01/12/09	AMEND: 3589(a)	05/01/09 AMEND: 3030, 3037, 3089, 3097, 3098,
12/30/08	AMEND: 3417(b)	3101, 3107
12/18/08	AMEND: 3417(b)	05/01/09 AMEND: 4530
12/18/08	AMEND: 3406(b)	04/20/09 AMEND: 10100.2, 10101.1, 10103.2,
12/16/08	AMEND: 1358(b)	10104, 10105, 10106.1, 10106.5,
12/12/08	AMEND: 3434(b)	10107.1, 10108, 10109, 10111.1,
12/10/08	AMEND: 3589	10111.2, 10112, 10113.4, 10113.5,
		10114.2, 10115, 10115.1, 10115.2
Title 4		04/06/09 ADOPT: 227, 314, 389 AMEND: 281,
05/12/09	AMEND: 406	303, 323, 368, 523
05/12/09	ADOPT: 12591	04/01/09 ADOPT: 2710.1, 2716.1, 2718, 2718.1,
04/24/09	ADOPT: 12480, 12492, 12494, 12496,	2738, 2739.0, 2739.4, 2742.0, 2742.1,
	12498, 12499, 12501, 12502, 12504	2742.2, 2742.3, 2745.0, 2745.1, 2749.2,
	AMEND: 12482	2754.1, 2754.2, 2796, 2799.1, 2799.2,
04/24/09	AMEND: 12482	2799.3, 2799.4, 2799.5, 2799.6, 2812.2,
03/23/09	AMEND: 10175, 10176, 10177, 10182,	2812.3, 2832, 2833.1, 2833.2, 2882.2,
	10185, 10187, 10188, 10189, 10190	2985.0, 2985.1, 2985.2, 2987.0, 2987.1,
03/11/09	AMEND: 1865	2989.0, 2989.1 AMEND: 2700, 2706,
03/10/09	ADOPT: 12388, 12410	2707, 2710, 2712, 2714, 2715, 2725,
03/05/09	ADOPT: 2066	2735, 2739.1, 2743, 2745.2, 2749.1,
03/05/09	ADOPT: 1504.5 AMEND: 1481, 1486	2753, 2790, 2791, 2792, 2795, 2797,
03/04/09	AMEND: 2073	2799.0, 2805, 2810, 2812.1, 2816, 2819,
02/23/09	ADOPT: 8102, 8102.1, 8102.2, 8102.3,	2820, 2833, 2845, 2847, 2863, 2873,
	8102.5, 8102.6, 8102.7, 8102.8, 8102.9,	2874, 2875, 2880, 2882.1, 2890, 2893,
	8102.11, 8102.12, 8102.13, 8102.14,	2908, 2910, 2931, 2932, 2933, 2934,
	8102.15 AMEND: 8090, 8091, 8092,	2935, 2946, 2974 REPEAL: 2742
	8093, 8094, 8095, 8096, 8097, 8098,	03/04/09 AMEND: 3248
	8099, 8100, 8101 REPEAL: 8102.10	03/02/09 ADOPT: 15475.1, 15475.2, 15475.3,
02/13/09	ADOPT: 12362	15482, 15482.1, 15482.2, 15483, 15484,
02/11/09	ADOPT: 8078.1 AMEND: 8070, 8072,	15485, 15486, 15486.1, 15487, 15488,
	8076, 8078	15489, 15489.1, 15490, 15490.1, 15491,
01/13/09	ADOPT: 4027, 4027.1, 4027.2, 4027.3,	15496, 15497, 15497.1, 15498, 15499,
	4027.4, 4027.5	15499.5 AMEND: 15201, 15203,
12/29/08	AMEND: 12482	15203.1, 15203.2, 15203.3, 15203.4,
Title 5		15203.5, 15203.6, 15203.7, 15203.8,
05/11/09	AMEND: 80023, 80024.4, 80024.5,	15203.9, 15203.10, 15204, 15205,
	80024.6, 80025.5, 80026, 80026.1,	15210, 15210.1, 15210.2, 15210.3,

03/02/09	15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7	AMEND: 3209, 3299, 4885, 5049, 5085, 5152, 5193, 5207, 5215, 5297, 5299, 5302, 5304, 5449, 6402, 6503, 6600
	02/25/09	REPEAL: 10116.4, 10122, 10122.1, 10123, 10123.2, 10123.3, 10124, 10124.1, 10125, 10125.1, 10125.2, 10125.3, 10126, 10127, 10127.1, 10127.2, 10127.3, 10128, 10129, 10129.1, 10130, 10131, 10131.1, 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22
02/18/09	AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354	
02/13/09	AMEND: 3336, 3650, 3653	
02/09/09	AMEND: 3231, 3277, Appendix B Following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, G following Section 3583	
01/29/09	AMEND: 4994	
01/28/09	AMEND: 4999	
01/20/09	AMEND: Appendix B following sections 1529, 5208, 8358	
01/15/09	AMEND: 2500.7	
01/13/09	ADOPT: 29, 31.1, 31.3, 31.7, 32.6, 36.5, 41.5, 41.6, 41.7, 63, 120, 121, 122, 123, 124 AMEND: 1, 10, 11, 11.5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 30, 30.5, 31, 31.5, 32, 33, 34, 35, 35.5, 36, 38, 39, 39.5, 40, 41, 43, 44, 45, 46, 46.1, 47, 49, 49.2, 49.4, 49.6, 49.8, 49.9, 50, 51, 52, 54, 55, 56, 57, 60, 61, 62, 65, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 116, 117, 118, 119, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159 REPEAL: 10.5, 32.5, 37, 53, 70, 71, 72, 73, 74, 75, 76, 76.5, 77, 101, 114, 115	
12/22/08	ADOPT: 16404, 16430, 16435.5 AMEND: 16421, 16422, 16423, 16424, 16425, 16426, 16427, 16428, 16429, 16431, 16432, 16434, 16435, 16436, 16437, 16439	
Title 9		
02/06/09	ADOPT: 4000, 4005	
01/07/09	AMEND: 7400	
Title 10		
05/12/09	AMEND: 2716.1, 2790.1.5, 2810.5	
05/01/09	AMEND: 2699.6603	
03/27/09	AMEND: 2498.6 (Exhibit C)	
03/25/09	AMEND: 2661.3, 2661.4, 2662.1	
03/23/09	AMEND: 2498.6	
02/26/09	AMEND: 2699.6805	
02/23/09	AMEND: 2318.6, 2353.1	
02/23/09	AMEND: 2498.6	
02/19/09	AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119	
02/05/09	ADOPT: 2308.1, 2308.2, 2308.3	
01/15/09	AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809	
01/14/09	AMEND: 2698.100, 2698.200, 2698.201, 2698.206, 2698.300, 2698.301	
01/12/09	AMEND: 2498.5	
12/31/08	ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55	
Title 11		
04/17/09	AMEND: 30.1	
04/01/09	ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018	
04/01/09	ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002	
03/30/09	ADOPT: 30.15	
03/03/09	AMEND: 9070, 9077	
02/18/09	REPEAL: 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327	
02/03/09	ADOPT: 64.7	
01/28/09	AMEND: 51.19	
12/31/08	AMEND: 1005(d)	
Title 12		
02/26/09	ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809	
01/27/09	AMEND: 501	
01/12/09	AMEND: 503	
Title 13		
03/18/09	ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2	
03/10/09	ADOPT: 1160.6 AMEND: 1160.3, 1160.4	
02/26/09	ADOPT: 29.00	
02/05/09	ADOPT: 20.05 AMEND: 20.04	
02/05/09	AMEND: 25.08	
01/20/09	AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2708, 2709, 2710	
12/22/08	AMEND: 553.70	
Title 13, 17		
12/03/08	AMEND: 2299.3, 93118.3	

Title 14

05/13/09 AMEND: 25201
 05/07/09 AMEND: 25201
 05/04/09 AMEND: 670.5
 04/27/09 ADOPT: 749.5
 04/08/09 AMEND: 2245, 2320
 03/18/09 AMEND: 632
 03/16/09 ADOPT: 20004.1, 20009.1, 20009.2
 AMEND: 20000, 20001, 20002, 20003,
 20004, 20005, 20008, 20009
 03/04/09 AMEND: 2000, 2090, 2516, 2530, 2620,
 2630, 2660, 2670, 2720, 2730
 03/03/09 ADOPT: 27.32 AMEND: 27.20, 27.25,
 27.30, 27.35, 27.40, 27.45, 27.50, 27.51,
 28.26, 28.27, 28.28, 28.29, 28.48, 28.49,
 28.51, 28.52, 28.53, 28.54, 28.55, 28.56,
 28.57, 28.58
 03/02/09 AMEND: 791.7(a), Form FG
 OSPR-1924, Form FG OSPR-1925,
 Form FG OSPR-1972
 02/25/09 AMEND: 1038, 1052
 02/23/09 ADOPT: 749.4
 01/28/09 AMEND: 701
 01/13/09 AMEND: 300
 01/12/09 ADOPT: 4970.00, 4970.01, 4970.02,
 4970.03, 4970.04, 4970.05, 4970.06.1,
 4970.06.2, 4970.06.3, 4970.07,
 4970.07.1, 4970.07.2, 4970.08, 4970.09,
 4970.10, 4970.10.1, 4970.10.2,
 4970.10.3, 4970.10.4, 4970.11, 4970.12,
 4970.13, 4970.14, 4970.14.1, 4970.14.2,
 4970.14.3, 4970.15, 4970.15.1,
 4970.15.2, 4970.15.3, 4970.15.4,
 4970.16, 4970.17, 4970.18, 4970.19,
 4970.19.1, 4970.19.2, 4970.19.3,
 4970.19.4, 4970.19.5, 4970.19.6,
 4970.20, 4970.21, 4970.22, 4970.23,
 4970.23.1, 4970.23.2, 4970.24,
 4970.25.1, 4970.25.2, 4970.25.3,
 4970.26 REPEAL: 4970.49, 4970.50,
 4970.51, 4970.52, 4970.53, 4970.54,
 4970.55, 4970.56, 4970.57, 4970.58,
 4970.59, 4970.60, 4970.61, 4970.62,
 4970.63, 4970.64, 4970.65, 4970.66,
 4970.67, 4970.68, 4970.69, 4970.70,
 4970.71, 4970.72
 12/31/08 AMEND: 957 REPEAL: 957.11, 957.12
 12/29/08 AMEND: 243, 245 REPEAL: 241
 12/17/08 ADOPT: 1032 AMEND: 895, 895.1,
 929.1, 949.1, 969.1, 1032.7, 1032.9,
 1037.3, 1054.5, 1055.3, 1056.3, 1090.1,
 1090.2, 1090.4, 1090.6, 1090.17,
 1092.03, 1092.04, 1092.06, 1092.18,
 1104.3 REPEAL: 1032
 12/11/08 AMEND: Division 5, Appendix M

12/10/08 ADOPT: 120.1, 120.2 AMEND: 120,
 120.3 REPEAL: 120.01

Title 15

05/12/09 AMEND: 3000, 3190, 3375, 3376.1,
 3379
 05/04/09 AMEND: 3335(d)(3)
 04/20/09 AMEND: 1004, 1006, 1007, 1008, 1012,
 1013, 1018, 1027, 1028, 1029, 1032,
 1040, 1044, 1045, 1046, 1055, 1056,
 1059, 1063, 1066, 1082, 1101, 1105,
 1144, 1151, 1161, 1209, 1217, 1230,
 1241, 1243, 1245, 1247, 1262, 1272
 04/02/09 ADOPT: 3334 AMEND: 3000
 02/05/09 ADOPT: 3077, 3077.1, 3077.2, 3077.3,
 3077.4 AMEND: 3000, 3043.6, 3375
 02/02/09 ADOPT: 1800, 1806, 1812, 1814, 1830,
 1831, 1840, 1847, 1848, 1849, 1850,
 1851, 1852, 1853, 1854, 1856, 1857,
 1860, 1866, 1867, 1868, 1870, 1872,
 1876, 1878, 1888, 1890, 1892
 12/19/08 REPEAL: 4826, 4985
 12/16/08 ADOPT: 3099
 12/15/08 ADOPT: 3334 AMEND: 3000
 12/11/08 AMEND: 3323

Title 16

04/28/09 AMEND: 1524
 04/27/09 AMEND: 1760
 04/03/09 AMEND: 3830
 03/24/09 ADOPT: 1398.12
 03/20/09 AMEND: 1937, 1950, 1950.5, 1953
 03/11/09 AMEND: 1715, 1784, Form 17M-13,
 Form 17M-14, Form 17M-26
 03/04/09 AMEND: 4181
 03/04/09 AMEND: 1351.5, 1352
 03/04/09 ADOPT: 389
 03/04/09 AMEND: 998
 03/04/09 AMEND: 950.2
 03/03/09 AMEND: 305 REPEAL: 306.1
 02/11/09 AMEND: 950.3
 02/03/09 ADOPT: 2068.7
 01/28/09 AMEND: 950.2
 01/28/09 ADOPT: 1832.5
 01/09/09 ADOPT: 2504.1, 2517.5, 2564.1, 2575.5
 AMEND: 2537, 2540.6, 2590, 2592.6
 12/30/08 AMEND: 1387
 12/18/08 AMEND: 3340.28, 3340.29
 12/17/08 AMEND: 4170
 12/11/08 AMEND: 1336

Title 17

04/24/09 AMEND: 30100, 30346.1, 30373
 03/11/09 AMEND: 93119
 02/03/09 ADOPT: 100701
 01/29/09 ADOPT: 33060 AMEND: 33007, 33010,
 33020, 33025, 33030, 33040

01/28/09 AMEND: 950.2
 01/28/09 ADOPT: 1832.5
 12/30/08 AMEND: 30195.1
 12/26/08 ADOPT: 100501

Title 18

05/12/09 AMEND: 1502
 04/29/09 AMEND: 1591
 04/06/09 ADOPT: 25113 AMEND: 25111
 03/19/09 AMEND: 23701, 23772
 03/11/09 AMEND: 1506, 1524
 03/11/09 AMEND: 1705
 02/05/09 AMEND: 1620
 01/02/09 AMEND: 1702.5

Title 20

04/22/09 ADOPT: 3100, 3101, 3101.5, 3102, 3103, 3104, 3105, 3106, 3107, 3108

Title 22

04/21/09 AMEND: 51543
 03/12/09 AMEND: 51517
 03/03/09 ADOPT: 63000.48, 63051, 63052
 AMEND: 63000.16, 63000.25, 63000.43, 63000.46, 63000.66, 63000.68, 63000.77, 63010, 63011, 63013, 63020, 63021, 63029, 63030, 63040, 63050, 63055 REPEAL: 63051
 02/04/09 ADOPT: 66260.201, 66260.202, 66273.7, 66273.33.5, 66273.41, 66273.70, 66273.71, 66273.72, 66273.73, 66273.74, 66273.75, 66273.76, and 66273.77 AMEND: 66260.10, 66260.23, 66261.4, 66261.9, 66261.50, appendix X of chapter 11, 66264.1, 66265.1, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.8, 66273.9, 66273.30, 66273.31, 66273.32, 66273.33, 66273.34, 66273.35, 66273.36, 66273.37, 66273.38, 66273.39, 66273.40, 66273.51, 66273.52, 66273.53, 66273.54, 66273.55, 66273.56, 66273.60, 66273.61, 66273.62, and 67100.2 REPEAL: 6 66273.7.1, 66273.7.2, 66273.7.3, 66273.7.4, 66273.7.5, 66273.7.6, 66273.7.7, 66273.7.8, 66273.7.9, 66273.7.10, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.21, 66273.41, 66273.70, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, and 66273.90 Articles Affected: Amend

article 3; Adopt new article 4; Renumber old article 4 to article 5; Renumber old article 5 to article 6; Repeal old article 6; Repeal old article 7 and adopt new article 7.

01/29/09 AMEND: 97174
 01/28/09 AMEND: 41508, 41509, 41510, 41511, 41512, 41514, 41515, 41515.1, 41515.2, 41516, 41516.1, 41516.3, 41517, 41517.3, 41517.5, 41517.7, 41518, 41518.2, 41518.3, 41518.4, 41518.5, 41518.7, 41518.8, 41518.9, 41519, 41610, 41611, 41670, 41671, 41672, 41700, 41800, 41811, 41815, 41819, 41823, 41827, 41831, 41832, 41835, 41839, 41844, 41848, 41852, 41856, 41864, 41866, 41868, 41872, 41900, 42000, 42050, 42075, 42110, 42115, 42120, 42125, 42130, 42131, 42132, 42140, 42160, 42180, 42305, 42320, 42321, 42326, 42330, 42400, 42401, 42402, 42403, 42404, 42405, 42406, 42407, 42420, 42700, 42701, 42702, 42703, 42705, 42706, 42707, 42708, 42709, 42710, 42711, 42712, 42713, 42714, 42715, 42716, 42717, 42718, 42719, 42720 REPEAL: 42800, 42801
 01/26/09 AMEND: 51313.6, 51320, 51476, 51510, 51510.1, 51510.2, 51510.3, 51511, 51513, 51520 REPEAL: 51513.5, 51520.1, 51520.2, 59998
 01/23/09 AMEND: 51000.6.1, 51000.8, 51000.16, 51000.20, 51000.20.1, 51000.24.1, 51000.25.2, 51000.30, 51000.50, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60
 01/22/09 ADOPT: 72038, 72077.1, 72329.1 AMEND: 72077, 72329
 01/15/09 AMEND: 101115
 01/06/09 AMEND: 66270.60, 67450.30

Title 23

02/19/09 ADOPT: 3939.35
 02/03/09 AMEND: 3989
 01/07/09 ADOPT: 3939.34
 01/05/09 ADOPT: 3006

Title 25

05/07/09 ADOPT: 6932 REPEAL: 6932
 02/11/09 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216
 01/21/09 ADOPT: 1322, 1426, 2426 AMEND: 1000, 1002, 1004, 1005, 1006, 1018, 1020, 1020.1, 1020.6, 1032, 1183, 1210, 1211, 1212, 1216, 1312, 1320, 1333, 1429, 1432, 1438, 1468, 1474, 1504,

		1612, 1752, 1756, 2002, 2004, 2005, 2006, 2018, 2183, 2210, 2211, 2212, 2216, 2312, 2327, 2429, 2438, 2474, 2504, 2612, 2752, 2756	Title MPP	
Title 27			02/09/09	AMEND: 42-721, 42-780, 44-303, 44-307, 44-318, 82-182
04/07/09	AMEND: 25705(b)		02/05/09	ADOPT: 40-037, 70-101, 70-102, 70-103, 70-104, 70-105 AMEND: 30-755, 30-770, 40-105, 42-430, 42-431, 42-433, 42-711, 49-020, 49-030, 49-060, 63-403, 69-201, 69-202, 69-205
02/18/09	AMEND: 20921			
01/05/09	AMEND: 27001			
01/05/09	AMEND: 27000			